

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH BARRESE,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, DEPUTY CHIEF
RICHARD SUEY, individually and in his
official capacity, CORRECTIONS OFFICER
KEVIN GALE, individually and in his
official capacity, DOES 1 through 10,
individually and/or in their official capacities,
DOE CLASSIFICATION EMPLOYEES 1
through 10, individually and/or in their
official capacity, ROE CORPORATIONS 1
through 10, Foreign and/or Domestic
Corporations,

Defendants.

Case No. 2:18-cv-01671-KJD-EJY

ORDER

and

REPORT AND RECOMMENDATION

Pending before the Court is Defendants' Motion to Enforce Settlement. ECF No. 55. No timely response was filed.

The parties reached settlement in this matter on January 3, 2022. *Id.* at 1. Unfortunately, since that time, Plaintiff has refused to sign the settlement agreement. *Id.* at 2. The Court is empowered to enforce a settlement when the parties form a contract representing agreed upon material terms demonstrating the intent to be mutually bound. *Samet v. Bayview Loan Servicing, LLC*, Case No. 2:18-cv-00581-GMN-EJY, 2019 WL 6878854, at *2 (D. Nev. Dec. 17, 2019) (quoting *Callie v. Near*, 829 F.2d 888, 890-91 (9th Cir. 1987)). Here, Plaintiff's failure to contest the Motion to Enforce Settlement demonstrates no dispute over the material terms. Said differently, there is nothing before the Court supporting the potential supposition that there are material terms in dispute. In the absence of evidence or argument providing any basis upon which the Court may rely to conclude Plaintiff did not agree to the material terms in the settlement agreement with the intent to be bound by the same, the Court finds the settlement agreement is enforceable. *Id.* at *2 (internal citation omitted).

1 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion to Enforce Settlement
2 (ECF No. 55) is GRANTED.

3 Further, IT IS HEREBY RECOMMENDED that this matter be dismissed with prejudiced.

4 DATED this 24th day of June, 2022.

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7 ELAYNA J. YOUCHAH
8 UNITED STATES MAGISTRATE JUDGE
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10 **NOTICE**

11 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
12 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
13 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
14 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
15 held that (1) failure to file objections within the specified time and (2) failure to properly address
16 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
17 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
18 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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